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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,891	01/21/2004	Charles Martin Link II	C03-0070-000	5445

33190 7590 02/22/2006

CINGULAR WIRELESS LLC
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EXAMINER	
D AGOSTA, STEPHEN M	
ART UNIT	**PAPER NUMBER**
2683	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,891	LINK ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-7,9,16,17 and 20* is/are rejected.

7)☒ Claim(s) *2,3,8,18 and 19* is/are objected to.

8)☒ Claim(s) *10-15 and 21-29* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-9 and 16-20, drawn to a call forwarding from base unit/cradle device, classified in class 455, subclass 417.

II. Claims 10-15 and 21-25, drawn to short wave radio link, classified in class 455, subclass 41.2.

III. Claims 26-29, drawn to a network-based call forwarding server, classified in class 379, subclass 211.02.

To expedite prosecution, the examiner believes the applicant will chose those claims which were drawn to the originally presented claim/invention, eg. claim 1, which corresponds to Group 1 above. Hence claims 10-15 and 21-29 are tentatively withdrawn (the next response from the applicant should verify this election).

A new FINAL rejection is attached.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 4-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Bamburak US 5,197,092 and further in view of Jonsson et al. US 5,903,833.

As per **claims 1, 4-7,** Bamburak teaches a method of forwarding a call directed to a wireless device operational on a wireless network to a destination number comprising (title, abstract, figure 1 and C2, L40-58):

detecting the presence of the wireless device by a base unit, the base unit including a switch (figure 4 step #50 states "Receiving station activation switch closed?", which is used to determine how to route/forward calls and C3, L8-37),

determining the destination number to which the call will be forwarded (figure 4 step #55 teaches obtaining call forwarding number);

creating a data message comprising a call forwarding instruction AND causing a communication between the wireless device and the wireless network wherein the data message is communicated to the wireless network (figure 4 step 62 teaches the personal communicator/wireless device provides network with call forwarding number); and

wherein the determining step is performed by the base unit scanning a memory location in the wireless device to retrieve the destination number based on the switch setting (again, step 62 teaches communications between the wireless device and the base station, which reads on "base unit scanning a memory location in the wireless device to retrieve the destination number based on the switch setting". The primary examiner notes that this "operation" can either be base unit initiated and/or wireless

device initiated, ie. there is no difference as to which device initiates the operation and as to if the data is "pushed" or "pulled")

but is silent on

a destination number selection switch having at least two settings.

Johsson teaches a user being able to forward their mobile phone to a wired phone whereby the user is provided with multiple forwarding phone numbers and then selects from the list (title, abstract). The examiner broadly interprets that Bamburak's phone switch combined with Johsson's invention would provide means to forward calls to more than one device. Also, Bamburak teaches the base station reading the phone's memory (C3, L49-55 and C4, L6-13).

It would have been obvious to one skilled in the art at the time of the invention to modify Bamburak, such that it has a destination number selection switch having at least two settings, to provide means for forwarding to multiple devices.

Claims 9, 16-17 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Bamburak, Jonsson and further in view of Parikh et al. US 6,408,177.

As per **claims 9 and 20,** Bamburak teaches claim 4/16 **but is silent on** transmitting an SMS message to an SMSC of the wireless network.

Parikh teaches using SMS messages, sent to an SMSC, to invoke services such as call forwarding:

The subscriber 107 responds by pressing one or more keys on the handset keypad to select a menu opinion and then pressing the send button on the handset 106. This response is sent to the SMSC 111 via the SMS data channel 112. The SMSC 111 sends the response to the call management system 110, which then takes action depending on the option selected by the subscriber 107. For instance, the call management system 110 may connect the caller 100 to the subscriber's handset, send the call to voicemail, forward the call, or reject a call (C3,L60 to C4,L2).

It would have been obvious to one skilled in the art at the time of the invention to modify Bamburak, such that SMS messages are used, to provide means for the user to invoke different services by sending messages to the network via industry standard protocols/messages.

As per **claims 16-17,** Bamburak teaches a wireless device for use in a wireless network comprising:

A processor, memory comprising instruction, contact for engaging a forwarding device (figure 1 shows mobile phone and wired phone and holster with contacts), program instructions (figures 3-4 are methods which require software instructions) while C3, L49-55 and C4, L6-13 teaches "messages" between the two devices such that the wired phone can read the wireless phone's memory/phone book) **but is silent on** making the processor:

Receiving a communication from the forwarding device via the contact, create a data message in response to the retrieved communication and transmit a data message in response, the message including a destination number and instructions to forward calls for the wireless device to the destination number.

Johsson teaches a user being able to forward their mobile phone to a wired phone whereby the user is provided with multiple forwarding phone numbers and then selects from the list (title, abstract). The examiner broadly interprets that Bamburak's phone switch combined with Johsson's invention would provide means to forward calls to more than one device. Also, Bamburak teaches the base station reading the phone's memory (C3, L49-55 and C4, L6-13).

Parikh teaches using SMS messages, sent to an SMSC, to invoke services such as call forwarding (C3, L60 to C4, L2).

It would have been obvious to one skilled in the art at the time of the invention to modify Bamburak, such that a program provides instructions to send a message to the network to forward calls, to provide means for the system/user to use industry standard messages to invoke call forwardings.

Allowable Subject Matter

Claims 2-3, 8 and 18-19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims recite highly specific designs not found, either alone or in combination, in the prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVE M. D'AGOSTA
PRIMARY EXAMINER

2-14-06